

1 XAVIER BECERRA  
2 Attorney General of California  
3 MARK R. BECKINGTON  
4 ANTHONY R. HAKL  
5 Supervising Deputy Attorneys General  
GABRIELLE D. BOUTIN, SBN 267308  
ANNA T. FERRARI, SBN 261579  
TODD GRABARSKY, SBN 286999  
R. MATTHEW WISE, SBN 238485  
Deputy Attorneys General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 210-6053  
Fax: (916) 324-8835  
E-mail: Gabrielle.Boutin@doj.ca.gov  
9 *Attorneys for Plaintiff State of California, by and*  
*through Attorney General Xavier Becerra*

10  
11  
12  
13  
14  
15 **STATE OF CALIFORNIA by and through**  
16 **Attorney General Xavier Becerra;**  
17 **COUNTY OF LOS ANGELES; CITY OF**  
**LOS ANGELES; CITY OF FREMONT;**  
**CITY OF LONG BEACH; CITY OF**  
**OAKLAND; CITY OF STOCKTON,**

18  
19 Plaintiffs,

20 v.

21 **WILBUR L. ROSS, JR., in his official**  
22 **capacity as Secretary of the U.S.**  
**Department of Commerce; U.S.**  
23 **DEPARTMENT OF COMMERCE; RON**  
**JARMIN, in his official capacity as Acting**  
24 **Director of the U.S. Census Bureau; U.S.**  
**CENSUS BUREAU; DOES 1-100,**

25 Defendants.  
26  
27  
28

3:18-cv-01865

**STIPULATION AND [PROPOSED]**  
**ORDER RE: JOINT MOTION FOR**  
**ADMINISTRATIVE RELIEF**

Dept: 3  
Judge: The Honorable Richard G.  
Seeborg  
Trial Date: January 7, 2019  
Action Filed: March 26, 2018

**CITY OF SAN JOSE, a municipal corporation; and BLACK ALLIANCE FOR JUST IMMIGRATION, a California Non-Profit Corporation,**

**Plaintiffs,**

V.

**WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; U.S. DEPARTMENT OF COMMERCE; RON JARMIN, in his official capacity as Acting Director of the U.S. Census Bureau; U.S. CENSUS BUREAU.**

### Defendants.

The Plaintiffs, Plaintiff-in-Intervention, and Defendants in the cases of *California et al. v. Ross et al.*, 18-cv-1865 and *San Jose et al. v. Ross et al.*, 18-cv-2279, hereby stipulate as follows:

1. The parties seek an order clarifying the deadline to exchange witness and exhibit lists under this Court's Standing Order and Federal Rule of Civil Procedure 26(a)(3). In the event the deadline is earlier than December 12, 2018, the parties stipulate and request an order setting December 12 as the deadline, with December 28 as the deadline for parties to lodge objections to those witness and exhibit lists.

2. The parties seek an order clarifying whether the trial proceedings in this action will be conducted over full or half days.

3. The parties stipulate and request an order permitting them to submit the direct testimony of some trial witnesses by declaration, and that the following procedures (or similar procedures) govern:

- Copies of the declaration must be submitted to the Court and served no later than December 28, 2018.

- 1           • Three business days after submission of such declarations, counsel for each party  
2           must submit a list of all declarants whom it intends to cross-examine at the trial.  
3           Only those witnesses who will be cross-examined need to appear at trial.  
4           • The original signed declarations must be brought to trial to be marked as exhibits, at  
5           which time any objections to particular paragraphs of a declaration would be made.

6           **IT IS SO STIPULATED.**

7  
8           Dated: November 28, 2018

Respectfully Submitted,

XAVIER BECERRA  
Attorney General of California  
MARK R. BECKINGTON  
ANTHONY R. HAKL  
Supervising Deputy Attorneys General  
ANNA T. FERRARI  
TODD GRABARSKY  
R. MATTHEW WISE  
Deputy Attorneys General

14           */s/ Gabrielle D. Boutin*  
15           GABRIELLE D. BOUTIN  
16           Deputy Attorney General  
*Attorneys for Plaintiff State of California, by and*  
*through Attorney General Xavier Becerra*

17           Dated: November 28, 2018

*/s/ Charles L. Coleman*

CHARLES L. COLEMAN III, SBN 65496  
DAVID I. HOLTZMAN  
HOLLAND & KNIGHT LLP  
50 California Street, 28<sup>th</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 743-6970  
Fax: (415) 743-6910  
Email: charles.coleman@hklaw.com  
*Attorneys for Plaintiff County of Los Angeles*

1  
2 Dated: November 28, 2018

MIKE FEUER  
City Attorney for the City of Los Angeles

3 /s/ Valerie Flores  
4 VALERIE FLORES, SBN 138572  
5 Managing Senior Assistant City Attorney  
6 200 North Main Street, 7th Floor, MS 140  
7 Los Angeles, CA 90012  
Telephone: (213) 978-8130  
Fax: (213) 978-8222  
Email: Valerie.Flores@lacity.org

8 Dated: November 28, 2018

9 HARVEY LEVINE  
City Attorney for the City of Fremont

10 /s/ Harvey Levine  
11 SBN 61880  
12 3300 Capitol Ave.  
Fremont, CA 94538  
13 Telephone: (510) 284-4030  
Fax: (510) 284-4031  
Email: hlevine@fremont.gov

14 Dated: November 28, 2018

15 CHARLES PARKIN  
City Attorney for the City of Long Beach

16 /s/ Michael J. Mais  
17 MICHAEL K. MAIS, SBN 90444  
Assistant City Attorney  
18 333 W. Ocean Blvd., 11th Floor  
Long Beach CA, 90802  
Telephone: (562) 570-2200  
19 Fax: (562) 436-1579  
Email: Michael.Mais@longbeach.gov

20  
21  
22  
23  
24  
25  
26  
27  
28

1 Dated: November 28, 2018

BARBARA J. PARKER  
City Attorney for the City of Oakland

2  
3 /s/ Erin Bernstein  
4 MARIA BEE  
5 Chief Assistant City Attorney  
6 ERIN BERNSTEIN, SBN 231539  
7 Supervising Deputy City Attorney  
8 MALIA MCPHERSON  
9 Deputy City Attorney  
10 City Hall, 6th Floor  
11 1 Frank Ogawa Plaza  
12 Oakland, California 94612  
13 Telephone: (510) 238-3601  
14 Fax: (510) 238-6500  
15 Email: ebernstein@oaklandcityattorney.org

10 Dated: November 28, 2018

11 JOHN LUEBBERKE  
12 City Attorney for the City of Stockton

13 /s/ John Luebberke  
14 SBN 164893  
15 425 N. El Dorado Street, 2nd Floor  
Stockton, CA 95202  
Telephone: (209) 937-8333  
Fax: (209) 937-8898  
Email: [John.Luebberke@stocktonca.gov](mailto:John.Luebberke@stocktonca.gov)

16 Dated: November 28, 2018

17 DANNIS WOLIVER KELLEY  
18 SUE ANN SALMON EVANS  
19 KEITH A. YEOMANS

20 /s/ Keith A. Yeomans  
21 KEITH A. YEOMANS  
22 Attorneys for Plaintiff-Intervenor  
23 Los Angeles Unified School District

24 Dated: November 28, 2018

25 **MANATT, PHELPS & PHILLIPS, LLP**

26 By: s/ Andrew Case  
John F. Libby  
John W. McGuinness  
Emil Petrossian  
Andrew Case (*pro hac vice*)  
11355 West Olympic Boulevard  
Los Angeles, California 90064  
Telephone: (310) 312-4000  
Facsimile: (310) 312-4224

1                   **LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
2                   UNDER LAW**

3                   Kristen Clarke  
4                   Jon M. Greenbaum  
5                   Ezra D. Rosenberg  
6                   Dorian L. Spence  
7                   1401 New York Avenue NW, Suite 400  
8                   Washington, DC 20005  
9                   Telephone: (202) 662-8600  
Facsimile: (202) 783-0857

10                  **PUBLIC COUNSEL**

11                  Mark Rosenbaum  
12                  610 South Ardmore Avenue  
13                  Los Angeles, California 90005  
14                  Telephone: (213) 385-2977  
Facsimile: (213) 385-9089

15                  **CITY OF SAN JOSE**

16                  Richard Doyle, City Attorney  
17                  Nora Frimann, Assistant City Attorney  
18                  Office of the City Attorney  
19                  200 East Santa Clara Street, 16th Floor  
20                  San José, California 95113-1905  
21                  Telephone Number: (408) 535-1900  
Facsimile Number: (408) 998-3131  
E-Mail: cao.main@sanjoseca.gov

22                  *Attorneys for Plaintiffs*

23                  CITY OF SAN JOSE and BLACK ALLIANCE FOR  
24                  JUST IMMIGRATION

25                  Dated: November 28, 2018

26                  JOSEPH H. HUNT  
Assistant Attorney General

27                  BRETT A. SHUMATE  
Deputy Assistant Attorney General

28                  CARLOTTA P. WELLS  
Assistant Branch Director

29                  /s/ Kate Bailey

30                  KATE BAILEY  
31                  STEPHEN EHRLICH  
32                  CAROL FEDERIGHI  
33                  DANIEL HALAINEN  
34                  Trial Attorneys  
35                  United States Department of Justice  
36                  Civil Division, Federal Programs Branch  
37                  1100 L Street NW  
38                  Washington, DC 20530  
Phone: (202) 514-923  
Email: kate.bailey@usdoj.gov  
*Attorneys for Defendants*

1                   **FILER'S ATTESTATION**

2                   Pursuant to Civil Local Rule 5-1(i)(3), regarding signatures, I hereby attest that  
3 concurrence in the filing of this document has been obtained from all signatories above.

4                   Dated: November 28, 2018

*/s/ Gabrielle D. Boutin*  
5                   GABRIELLE D. BOUTIN

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1                   **[PROPOSED] ORDER**

2                 Based on the Parties' Stipulation Re: Joint Motion for Administrative Relief and good  
3 cause appearing:

- 4                 • The parties' deadline to exchange witness and exhibit lists is **Thursday, December**  
5                   **12, 2018.** Objections shall be lodged **Friday, December 28.**
- 6                 • Trial will be conducted during the following hours:  
7                   To be determined \_\_\_\_\_.
- 8                 • Parties may submit the direct testimony of some trial witness by declaration. The  
9                   following deadline and procedures will govern:
- 10                 ○ Copies of each declaration must be submitted to the Court and served no  
11                   later than December 28, 2018.
- 12                 ○ Three business days after submission of such declarations, counsel for each  
13                   party must submit a list of all declarants whom it intends to cross-examine at  
14                   the trial. Only those witnesses who will be cross-examined need to appear at  
15                   trial.
- 16                 ○ The original signed declarations must be brought to trial to be marked as  
17                   exhibits, at which time any objections to particular paragraphs of a  
18                   declaration would be made.

19  
20                 **IT IS SO ORDERED.**

21                 DATED: 12/3/18



22                   HON. RICHARD SEEBORG  
23                   United States District Court Judge